

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
**HARBORS KAUAI DISTRICT**  
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**NAWILIWILI CRUISE SHIP TERMINAL TAXI PERMIT**

**GENERAL CONDITIONS**

Any person(s) issued Taxi Permits hereinafter referred to as the “Permittee” shall comply with Chapter 19-44, Hawaii Administrative Rules, Rules Relating to Services and Procedures, Charges, Tolls, and Fees, set forth by the State of Hawaii, Department of Transportation, Harbors Division, hereinafter collectively referred to as the “Rules”. The “Permittee” shall comply with all of the applicable general provisions hereinafter known as the “General Conditions” and the Open Taxi System guidelines contained herein.

1. **PERMIT FEES:**

**Nawiliwili Harbor**

\$102.30 per fiscal year

Taxicabs, sedans, station wagons, vans, any vehicle capable of carrying up to seven (7) passengers.

2. **PAYMENTS:**

Charges are based on a fiscal year term from July to June from the date of issuance and shall be paid in full to the State prior to the start of the permitted period. Checks, cashiers’ checks, and money orders may be made payable to: **Department of Transportation, Harbors**. Credit card payments can be made at <https://harbors.ehawaii.gov/wf/index.html>. A service fee of 5% plus a payment processing fee will be added to each credit card payment.

3. **TERMINATION:**

The State of Hawaii, Department of Transportation, Harbors, (“State”) may cancel or terminate the Permittee’s permit for any reason upon thirty (30) days written notice sent by certified mail, return receipt requested, to the Permittee’s last known address. The thirty (30) day notice period shall commence on the date the State sends the written notice of termination to the Permittee. If the Permittee’s permit is not terminated for the Permittee’s failure to comply with applicable law, including without limitation, the Permittee’s failure to comply with any of the rules or the General Conditions, the State will refund the applicable pro-rata portion of the permit fees based on the date of the Permittee’s permit is terminated.

4. INSURANCE REQUIREMENT:

An **original** certificate of automobile/vehicle insurance evidencing coverage for property damage, personal and bodily injury and public liability must be submitted to the State. The policy must be current, name the applicant as the insured, and cover the applicable vehicle. The following are the minimum insurance requirements:

	Property Damage Liability Coverage <u>Per Occurrence</u>	(Bodily Injury) Liability Coverage <u>Per Occurrence</u>
Vehicle capable of carrying up to 7 passengers	\$25,000	\$300,000

Each insurance policy must (a) be issued by an insurance company or surety company authorized to do business in the State of Hawaii or approved in writing by the Director of Transportation; (b) the State of Hawaii is added as an additional insured as respects to operations performed for the State of Hawaii; It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy; (c) the Permittee will immediately provide written notice to the State of Hawaii should any of the insurance policies evidenced on its Certificate of Insurance form be cancelled, limited in scope, or not renewed upon expiration in the Permittee’s insurance coverage, (notices should be mailed to 700 Fort Street, Honolulu, Hawaii 96813-4808); (d) cover all injuries, losses, or damages arising from, growing out of, or caused by any acts or omissions of the Permittee, its officers, agents, or employees; and (e) be maintained and kept in effect at the Permittee’s sole expense throughout the term of this permit. Upon each renewal, the Permittee shall furnish the State, without notice or demand from the State, an **original** certificate evidencing the required insurance.

An **original** insurance binder will be accepted for up to thirty (30) days as proof of coverage. After that, a certificate will be required.

5. INDEMNITY:

The Permittee shall defend, hold harmless and indemnify the State, its officers, agents, and employees from and against any and all claims, demands, suits, actions, judgments, damages, liability, losses, costs, and expenses, including, without limitation, claims for property damage, personal injury, or death, arising out of or related to the Permittee’s use of State property, the Permittee’s operations under the Permittee’s permit or any act or omission of the Permittee relating thereto.

6. VEHICLE REGISTER:

The Permittee must be an authorized agent for the named entity, and each insurance policy must be issued to the entity or the Permittee and cover all listed vehicles. The State may require each Permittee to submit such other official documents including without limitation, driver's licenses, business licenses, taxi licenses, PUC licenses, motor vehicle registrations, vehicle identification cards, and tax clearances, as the State deems necessary to verify any information in this permit or the application submitted in connection therewith.

7. IMMEDIATE NOTIFICATION OF CHANGES:

Each Permittee must immediately notify the State in writing of any changes to any information provided to the State in the Permittee's permit application or this permit.

8. NO PROPERTY RIGHT:

Each Permittee acknowledges and agrees that any permit issued to said Permittee does not constitute a property right of any kind and that by issuing a permit, the State is only allowing the Permittee the privilege of operating within State property, subject to certain restrictions as may be imposed by the State, including, without limitation, the restrictions set forth herein.

9. COMPLIANCE WITH LAWS:

Each Permittee must comply with all applicable Federal, State, and County laws, statutes, ordinances, rules, and regulations.

10. DECALS:

A decal will be issued to coincide with the expiration date of the permit. No decal will be issued unless the Permittee has fully paid and satisfied its obligations under this permit.

**Place the decal on the inside of the front driver's side window** of the authorized vehicle. Decals must be clearly visible. No exceptions will be made.

Replacement: Worn or faded decals may be replaced free of charge, provided the original decal is returned. When the Permittee changes vehicles, a charge will be required for the replacement decal for new vehicles. To obtain the replacement decal, the Permittee must submit to the State the new registration or certificate or purchase covering the new vehicle, together with the unexpired decal.

Decals are not transferable between vehicles. The Permittee must purchase another decal if the original is lost, stolen, destroyed or damaged.

Renewals: Decals may be renewed beginning thirty (30) days prior to the expiration date.

11. LIMITATION ON KAUAI LOCATIONS FOR AUTHORIZED VEHICLES:

Approved Taxi operations are allowed only at their permitted location where the cruise vessel is unloading or loading passengers. Parking or stopping, including loading, and unloading to and from the vehicles, is allowed only in areas designated by the State.

12. ENFORCEMENT:

NO VEHICLE IS AUTHORIZED TO OPERATE ON STATE PROPERTY WITHOUT A CURRENT DECAL. Vehicles operating at State-owned facilities without a proper decal will be subject to citation for such violation. All vehicles are subject to the rules, and operators must obey State personnel and signs.

13. MARITIME TRANSPORTATION SECURITY ACT:

The Permittee, in accepting the Permit, acknowledges that pursuant to the Homeland Security Act (Pub.L.No.107-295, 116 Stat.2135), and the Maritime Transportation Security Act (46 U.S.C.A. §70101, et al), the State's duties include, among other things, the duty to safeguard persons, property, and port infrastructures from destruction, loss, injury, and from acts of sabotage or other causes of a similar nature. The Permittee further acknowledges that the State, as the owner and operator of the State's commercial harbors, must comply with all requirements under the Maritime Transportation Security Act (46 U.S.C.A. §70101, et al), and its successor statutes and implementing regulations (collectively, the "MTSA"). The provisions of the MTSA are hereby incorporated by reference as though fully set forth herein. The Permittee acknowledges and agrees that it and its agents, employees and invitees shall, to the extent applicable, abide by the requirements of the MTSA. Furthermore, Permittee, its agents, employees, and invitees, shall not obstruct, interfere with, or fail to obey the lawful command of, any State personnel in carrying out the duties required under the MTSA. Any violation of the above conditions may be grounds to terminate, suspend, or cancel the Permit as set forth under paragraph 14 herein.

## **OPEN TAXI SYSTEM GUIDELINES**

This document sets forth requirements for those who wish to engage in and provide on-demand taxi services for the Nawiliwili Port Cruise Ship Terminal operations.

Only those individuals who: (1) satisfy the Taxi Driver Qualification requirements; (2) agree to comply with and adhere to the Code of Conduct for Taxi Drivers; and (3) have motor vehicles which conform to the Taxi Vehicle Standards, as set forth herein, may participate in the provision of these services. Taxi vehicles are subject to security inspections, as required, to verify compliance. Permits may be rescinded at the sole discretion of the State of Hawaii Department of Transportation Harbors at any time for matters of non-compliance.

### **TAXI DRIVER QUALIFICATIONS**

All individuals seeking qualification and authorization to operate a taxicab and provide on-demand taxi service at the Cruise Ship Terminal via an open-access taxi system, shall obtain or possess, and submit to DOT Harbors written evidence of all the following minimum qualifications or items:

1. Be at least eighteen (18) years of age.
2. Possess: (1) a valid motor vehicle driver's license issued by the State of Hawaii; and (2) a valid taxi certificate and business license issued by the County of Kauai.
3. Not have outstanding arrest warrants or criminal convictions pending for offenses committed while driving intoxicated or recklessly.
4. Not be addicted to the use of drugs or alcohol.
5. Be subject to background checks or clearances if required by Federal Motor Carrier Safety Regulations and applicable statutes of the State of Hawaii.
6. Be free of medical conditions that may render the driver unfit for the safe operation of a motor vehicle.

### **CODE OF CONDUCT FOR TAXI DRIVERS**

While on duty and operating a taxicab to provide on-demand taxi service at the Cruise Ship Terminal via an open-access taxi system, all taxi drivers shall, at all times, comply with: (1) all applicable laws, statutes, ordinances, rules and regulations of the United States of America, State of Hawaii and County of Kauai pertaining to providing demand responsive taxi service at the Cruise Ship Terminal. (2) all applicable covenants, provisions, requirements, restrictions, stipulations, terms, and conditions of this Permit; and (3) all applicable Hawaii administrative rules of the Department of Transportation. In addition, all taxi drivers shall, at all times, while at the Cruise Ship Terminal, adhere to the following code of conduct:

1. Provide professional, courteous, and efficient ground transportation service to all passengers.
2. Provide passenger and luggage assistance upon request. Although lifting is not required, each taxi driver shall also aid passengers using wheelchairs upon request.
3. Ensure that all disabled individuals who are covered by the Americans with Disabilities Act of 1990, are not discriminated against nor refused demand responsive taxi service by any taxi driver because of their disability. All taxi drivers who engage in or provides on-demand taxi service at the Cruise Ship Terminal via an open-access taxi system may not deny taxi service to an individual with a disability who can use taxi vehicles. It would be considered a discriminatory practice to refuse service to a customer/passenger because he or she is blind or used a wheelchair, if the wheelchair was one that could be stowed in the taxi vehicle and the customer/passenger could transfer to a vehicle seat. Further, it would be considered a discriminatory practice for a taxi driver to insist that a wheelchair user wait for a lift-equipped taxi van or another type of life-equipped vehicle if the disabled customer/passenger could be transported to his or her destination by an automobile.
4. Remain with their taxicab at all times while at the designated taxi stands or at the Cruise Ship Terminal, except when the taxicab is in the designated taxi hold area. There shall be no loitering in the terminal area or sidewalks adjacent to the designated taxi stands.
5. Maintain professional manner while waiting for passengers at the designated taxi stands (e.g., no sitting on the exterior of the vehicle, no gambling or playing other games, no littering, no use of coarse language, no sleeping in the vehicle, no physical or verbal acts of intimidation or violence, no liquor or drug use, no loud music, and no other activity deemed inappropriate).
6. Present a professional, clean, and neat appearance, and shall, always, comply with the following personal hygiene and grooming standards:
  - a. Hair shall be kept clean, combed, and trimmed.
  - b. Facial hair (e.g., moustaches, beards, sideburns, etc.) shall be kept clean, and neatly trimmed and groomed.
  - c. Face and body shall be kept free of dirt, and body odor shall be controlled so as not to be offensive to the public; and,
  - d. Proper and daily oral hygiene shall be used.
7. Comply with and satisfy the following dress code standards:
  - a. Male taxi drivers shall wear shirts with collars (preferably made from Hawaiian print textile materials), full-length trousers, and socks with either dress or athletic shoes.
  - b. Female taxi drivers shall wear shirts or blouses with collars (preferably made from Hawaiian print textile materials), full-length trousers or skirts of appropriate length, and dress or athletic shoes.

- c. Apparel considered unacceptable and prohibited by the State as working attire for taxi drivers include tank tops, T-shirts, jeans, shorts, jams, swim wear, shower shoes and slippers; and,
  - d. No attire may bear overt commercial advertisements, offensive symbols, photographs, or messages.
8. Follow proper taxicab operating procedures while providing on-demand taxi service to passengers at, and from the Cruise Ship Terminal. Unauthorized solicitation of customers while at the Cruise Ship Terminal is prohibited.
  9. While awaiting passengers, the taxi driver shall wait alone in the taxicab. Further, the taxi driver shall not refuse to provide on-demand taxi service to any customer, except under the following circumstances: (1) if the taxi driver has already been dispatched; (2) if the customer, in the opinion of the taxi driver, appears to be under the influence of alcohol or drugs; or (3) if the customer refuses to use the taxi and wants another taxi.
  10. Report the finding of lost or forgotten articles, belonging to passengers which are subsequently found in his or her taxicab, to cruise line or Harbors personnel, or contract security.
  11. Keep at all times in his or her taxicab a current map book that shows the location of all the streets, roads and highways, major hotels, and visitor destinations and attractions on the Island of Kauai.
  12. Not knowingly operate a taxicab that is in such an unsafe condition as to endanger passengers or property. Further, the wearing of headsets or earphones by any taxi driver while he or she operates a taxicab at, or from the Cruise Ship Terminal is prohibited; and,
  13. Comply with instructions issued by Security personnel with regards to:
    - a. Taxi vehicle circulation path on roadways around the Cruise Ship Terminal; and
    - b. Taxi vehicle staging sequence or queuing procedure while waiting for customers/passengers.

#### TAXI VEHICLE STANDARDS

In order to operate a taxicab and provide on-demand taxi service at, and from the Cruise Ship Terminal, all taxi drivers shall be required to provide evidence that his or her taxi vehicle complies with and satisfies all following taxi vehicle standards:

1. Licensed by the appropriate governmental regulatory agency, operating in conformance with the requirements and procedures prescribed by such agency, and at all times, display a current safety check sticker and current evidence of licensing and registration by the applicable regulatory agency of the government.
2. Be equipped with a taxicab meter which shall be in accordance with the terms and conditions as set forth by the State of Hawaii, Office of Weights, and Measures. The taxicab meter shall be mounted in a permanent manner; and in a position that is visible to all passengers.

3. Display in the interior of the taxicab the typical authorized fares to major destinations in the County of Kauai.
4. Provide a seating capacity for at least five (5) passengers, including the driver.
5. Be in safe mechanical, operating and damage-free condition, clean and acceptable in appearance and meet all of the requirements prescribed for taxicabs herein.
6. Have an illuminated taxicab dome light mounted on the roof of the taxicab, in accordance with applicable ordinance or rule and regulation of the County of Kauai.
7. Comply with the rules and regulations set forth by the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.
8. On conventional passenger vehicles, there shall be a minimum of four (4) doors for ease of boarding and discharge of passengers.
9. Mini-van type vehicles which are equipped with a right-side sliding door, or which are equipped with special seating and access provisions for disabled/handicapped persons may be equipped with three (3) doors.
10. For passenger safety, all taxicabs shall be equipped with seat belts for mandatory use by all passenger at all times.
11. All taxicabs shall be equipped with a working air conditioning system. The air-conditioning system shall be operable and turned on whenever the outside temperature reaches eighty (80) degrees or higher, or at the request of a passenger.
12. All taxicabs shall be equipped with a working interior light in the passenger compartment.
13. The trunk of all taxicabs shall be lined and contain only necessary items, such as a spare tire, tire jack and flashlight. The spare tire and tire jack shall be secured and concealed with an appropriate cover material.
14. The exterior and interior of all taxicabs shall be maintained in a clean and damage-free condition.
15. Harbor Taxi Permit shall be displayed on the inside of the front driver's side windshield of all taxicabs.
16. The exterior of all taxicabs shall comply with and satisfy the following appearance standards:
  - a. The exterior paint shall be maintained free of oxidation or rust.
  - b. The vehicle body shall be free of any noticeable sheet metal damage, dents, scratches, or marks that would give the impression that the taxicab is in a poorly maintained condition or that the taxicab's appearance is in an unacceptable condition.
  - c. Be kept clean from road dirt, mud, and grime; and



- d. For all taxicabs originally equipped with wheel covers by the manufacturer, wheel covers shall be mounted in place on all four (4) wheels.
17. The interior of all taxicabs shall comply with and satisfy the following appearance standards:
- a. Be kept clean and free of litter and offensive odors.
  - b. The upholstery shall be kept intact, free of rips and tears and wiped clean on a daily basis; and
  - c. The ashtrays shall be emptied whenever full.

**KAUAI CRUISE TERMINAL TAXI PERMIT APPLICATION & AGREEMENT**

LICENSE NO.	SERIAL NO.	YEAR	MAKE	PAX NO.	PERMIT TYPE	DECAL NO.	EXPIRES

I certify, as the Permittee or authorized agent of the Permittee, that the Permittee shall be subject to and shall comply with the General Conditions, Open Taxi System Guidelines and Chapter 19-44, Hawaii Administrative Rules (Rules Relating to Services and Procedures, Charges, Tolls, and Fees), also known as the Commercial Harbors and Tariff and Chapters 19-41, 19-42 and 19-43, Hawaii Administrative Rules. I further understand that falsification of any information submitted in connection with this permit will result in the immediate cancellation of this permit and all other permits issued by DOT Harbors. I also acknowledge that the Permittee shall be subject to the penalties set forth in Section 266-25, Hawaii Revised Statutes, for committing any of the described therein. Permits may be rescinded at the sole discretion of the State DOT Harbors for matters of non-compliance, and I will immediately relinquish any decal upon written notice from DOT Harbors. I further agree to security inspections of my taxi as required in the Open Taxi System Guidelines. **THIS DECAL PERMITS PASSENGER PICK-UP ON CRUISE VESSEL DAYS ONLY AT PIER 2.**

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Company: \_\_\_\_\_ Driver's Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR HARBORS USE ONLY**

Insurance Company \_\_\_\_\_ Insured Name: \_\_\_\_\_

Policy Number \_\_\_\_\_ Policy Period: \_\_\_\_\_

Insurance Coverage Limits:     Each Occurrence     Combined Single Limit \$ \_\_\_\_\_

Up to 7 passengers:         Bodily Injury: **\$300,000.00**         Property Damage: **\$25,000.00**

Taxi:    \$ \_\_\_\_\_                      Receipt No.: \_\_\_\_\_

Sedan: \$ \_\_\_\_\_                      Date Issued: \_\_\_\_\_

Total: \$ \_\_\_\_\_                      Issued By: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

HARBOR MASTER

DATE